IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 3947 of 2007(T)

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PETITIONER:

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1. V. DHANALEKSHMI, AGED 75 YEARS,
   W/O. LAT SRI.VELAYUDHAN ACHARY, PUTHEN VEEDU,
   ANDAMUKKAM, KOLLAM EAST VILLAGE, KOLLAM TALUK.

2. YOGESWARAN, AGED 51 YEARS,
   S/O. LATE SRI.VELAYUDHAN ACHARY, PUTHEN VEEDU,
   ANDAMUKKAM, KOLLAM EAST VILLAGE, KOLLAM TALUK.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:

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1. THE SECRETARY,
   THE QUILON CO-OPERATIVE URBAN BANK LTD.NO.Q-960,
   KOLLAM.

2. THE ASSISTANT REGISTRAR/ARBITRATOR,
   THE QUILON CO-OP. URBAN BANK LTD., KOLLAM.

3. THE KERALA CO-OPERATIVE TRIBUNAL,
   THIRUVANANTHAPURAM.

BY ADV. SRI.N.DHARMADAN (SR.)
SMT.D.P.RENU
SHRI.P.K.RAVIKRISHNAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 3947/2007

**APPENDIX**

PETITIONER'S EXHIBITS

P1 : COPY OF THE AWARD DATED 29/9/2003.

P2 : COPY OF THE REVISION PETITION.

P3 : COPY OF THE AUCTION NOTICE DATED 31/1/2007.

P4 : COPY OF THE REPRESENTATION DATED 23/2/2005.

// TRUE COPY //

PA TO JUDGE

jg

**C.N.RAMACHANDRAN NAIR, J.**

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**WP(C) No. 3947 of 2007 T**

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**Dated, this the 9th day of April, 2007**

**J U D G M E N T**

Heard the learned counsel for the petitioners and the learned Standing Counsel appearing for the 1st respondent.

2. Even though petitioners have filed revision before the Co-operative Tribunal against the award, grounds are not sufficient to stay recovery proceedings. However this Court granted conditional stay which petitioners complied with by making payment of Rs. 75,000/-. I feel further two months' time can be granted for settlement. In the circumstance, this WP(C) is disposed of with the following directions. (1) Respondents will withhold recovery proceedings till 30/06/2007 for petitioners to settle liability. (2) Petitioners are free to arrange for sale of any part of the mortgaged property for settlement of arrears and can enter into agreement for sale. However, sale deed will be executed only after clearing arrears due to the 1st respondent Society. If liability is not settled by 30/06/2007 then respondents are free to proceed for sale of the property. (3) The Tribunal is directed to dispose of the

revision within two months from the date of production of this judgment. If revision is not tenable, it is open to the petitioners to withdraw the revision by filing a petition before the Tribunal and apply for OTS benefits. If any incentive is available for settlement, then there will be direction to the Bank to grant such incentive. In any case if the petitioners make payment as above on or before 30/06/2007, there will be direction to the 1st respondent to waive penal interest.

This WP(C) is disposed of as above.

**(C.N.RAMACHANDRAN NAIR, JUDGE)**

jg